

REMARKS

Claims 1-20 and 24-28 are pending. Claims 21-23 are cancelled. Claims 1-4 and 24 are amended. No new matter has been added.

Applicant has amended the specification as suggested by the Examiner and submits an IDS for the Examiner's consideration.

Claims 1-3, 5, 9-11, 21, 22, and 24-28 stand rejected under 35 U.S.C. 102 (b) as being anticipated by Marucci (U.S. Patent No. 6,582,451). Applicant traverses the rejection. Applicant respectfully submits that Marucci does not anticipate independent claims 1 and 24, as amended, and the claims that depend therefrom. Claims 1 and 24 have been amended to more clearly claim the invention. Claims 1 and 24 define a clamp having a clamp head; a first jaw and a second jaw, each mounted to the clamp head for movement toward and away from each other, and each having a distal end; an operative mechanism coupled to the proximal end of at least one of the first jaw and the second jaw; and an actuating structure connected to the operative mechanism for imparting a parallel opening movement to at least one of the first jaw and the second jaw from a first position to a second position where the distal ends of the first jaw and the second jaw are spaced apart a first distance and parallel to one another, the first and second jaw defining a plane that is parallel to the first and second jaw and located therebetween when the first and second jaws are in the first and second position, and wherein the actuating structure is configured to selectively *rotate at least one of the first jaw and the second jaw relative to the plane from the second position to a third position such that the distal ends of the first jaw and the second jaw are spaced apart a distance greater than the first distance.*

None of the cited art, including Marucci discloses a clamp that first opens jaws in a motion that maintains the jaws in a parallel position relative to one another from a first position to a second, more spaced apart, position (wherein the first and second position define a plane parallel to the jaws in that position), and then rotates one of the two jaws relative to the plane such that the distal ends of the jaws are spaced apart a distance greater than the first distance. Marucci depicts a clamp having a mechanism that maintains the pair of jaws in a parallel

position relative to one another as the jaws are opened. There is no mechanism to rotate one of the jaws relative to the other when the jaws are opened. Referring to Figure 1a, as the jaws are opened, pins 26 and 27 move in parallel slots 18a and 18b, thereby maintaining parallelism between jaws 15a and 15b. As a result, Marucci does not teach or suggest the claimed combination of claims 1 and 14 or the claimed method of claim 24. As such, Applicant submits that claims 1, 14 and 24 are allowable, as are the claims that depend therefrom, and seeks withdrawal of the rejection.

Claims 4, 6-8 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Marucci (U.S. Patent No. 6,582,451) as applied to claim 3 above, and further in view of Prestel (U.S. Patent No. 5,968,074). The Examiner indicates that Marucci does not teach an angled slot and argues that the circular groove 8 of Prestel provides one skilled in the art with the suggestion to combine Prestel to Marucci. Applicant traverses the rejection. Marucci only teaches parallel movement of the jaws with respect to one another. There is no structure that rotates one jaw with respect to the other and permits parallel movement. First, Prestel does not teach or describe a mechanism that both imparts a parallel movement and a rotational movement. Second, there is no suggestion or motivation to combine Prestel and Marucci. There is simply no teaching to combine these two references to provide the claimed invention. Further, there is no teaching of how such a combination would work. For those and other reasons not described herein, Applicant requests the Examiner to withdraw the rejection.

Claims 14-19 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Marucci et al. (U.S. Patent No. 6,582,451), and further in view of Prestel (U.S. Patent No. 5,968,074). For the same reasons described in connection with the prior stated rejection, Applicant traverses the rejection and requests that the rejection be withdrawn.

Claim 20 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Marucci (U.S. Patent No. 6,582,451) and Prestel (U.S. Patent No. 5,968,074) as applied to claim 14 above, further in view of Fogerty et al. (U.S. Patent No. 6,228,104). Applicant submits that claim 20 is allowable as it depends ultimately from claim 14, which is allowable.

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Claims 12 and 13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Marucci (U.S. Patent No. 6,582,451) as applied to claim 1 above. Applicant submits that claim 20 is allowable as it depends ultimately from claim 1, which is allowable.

Claim 23 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Marucci (U.S. Patent No. 6,582,451) as applied to claim 21 above. Claim 23 has been cancelled, thereby mooting this rejection.

Applicant invites the Examiner to contact the undersigned representative to discuss any outstanding issues with regard to the application. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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